IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO :17616 of 1997

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Dated: 23rd August 2007.

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Between:

Ganta Krishnamurthy, S/o Somaiah, aged 42 years, R/o Kalwala Dinne Vilage Mereducharla Mandal, Nalgonda District and others.

..... PETITIONER

AND

The Executive Engineer, Irrigation & Command Area Development, Nalgonda and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA

RAO

W.P.NO.17616 OF 1997

ORAL ORDER:

The writ petitioners assert that they are all residents o f Kalwala Dinne Vilage Mereducharla Mandal in Nalgonda District and that their lands are situate in Sy.Nos.6,7, 8, 9, 10, 18, 19, 20, 21, 22, 23 and 25 admeasuring Ac.19.06 guntas of the same vilage and that these lands though were situated above the contour level of Chintha Kuntla Tank, they are getting submerged after construction of the Nagarjuna Sagar Left Canal. Prior thereto, they were cultivating these lands and after the Command Area has been developed, they are not able to cultivate.

However, the learned Government Pleader for Irrigation would urge that the State Government in the Irrigation Department has not changed the capacity of the tank either by increasing the bund height or by altering the position of the weirs, therefore, the lands belonging to the writ petitioners are suffering submergence not entirely due to any action attributable to the respondents in the process of maintaining the minor irrigation tank in the village.

These factual disputes cannot be resolved in exercise of the jurisdiction under Article 226 of the

Constitution of India. It is only appropriate that an agency, which can call for complete data and particulars relating to the submergence of the lands belonging to the writ petitioners, can determine the issue.

It is, therefore, appropriate that the petitioners shall take up the issue with the Principal Secretary to the Government in the Irrigation and Command Area Development, who after calling for a report from the District Collector, Nalgonda, shall take a decision as to whether the petitioners needed to be compensated adequately or evolving any other equally efficacious suitable remedy.

With the above directions, the writ petition stands disposed of, but however, without costs.

Nooty Ramamohana Rao, J

mrk

23rd August 2007.